

Notice of Allowability

Application No.

10/765,972

Examiner

Stefan Staicovici

Applicant(s)

HUBER ET AL.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed March 31, 2005.
2. ☒ The allowed claim(s) is/are 1-7, 9-16 and 37-50 (now renumbered as 1-29).
3. ☒ The drawings filed on 1/29/2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/601,313.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 5/2/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other interview summary 5/2/05.

DETAILED ACTION

Response to Amendment

1. Applicants' amendment filed on March 31, 2005 has been entered. Claims 1 and 9 have been amended. Claims 8 and 17-36 have been canceled. New claims 37-50 have been added.

Claims 1-7, 9-16 and 37-50 are pending in the instant application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen Catlin on May 2, 2005.

The application has been amended as follows:

- in claim 1:

- on line 5, after "part", the first occurrence of "at" has been replaced with --on--;

- in claim 37:

- on line 5, after "part", the first occurrence of "at" has been replaced with --on--;

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest an injection molding process for making a toothbrush including, injection molding of a first of at least two molded parts forming at least part of a toothbrush handle from a first plastic material in a first step that includes formation of projections or recesses on the first molded part on at least part of a contact surface; injection molding of a second of the at least two molded parts bearing a brush head from a second plastic material in a subsequent second step that includes forming corresponding recesses or projections on the second molded part and engaging the projections or recesses on the first molded part such that one molded part is at least partially enclosed by the other molded parts to interengage the first and second molded parts and, mechanically join the parts to one another without the second material forming a chemical bond with the first plastic material during the injection molding operation.

It is noted that according to the Applicants remarks filed on March 31, 2005 (see pages 6-7 of the amendment filed on 3/31/05) and the Interview of February 24, 2005, the limitation "without chemical bonding" has been interpreted in the context of the injection molding process of the instant application to mean an injection molding process of at least two materials that relies solely on mechanical interengagement between the injection molded parts without fusion or bonding (without chemical interaction) between the at least first and second materials during the injection molding operation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue


fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEFAN STACOVICI, PHD
PRIMARY EXAMINER
5/2/05
AU 1732

AU 1732

May 2, 2005